

California Regional Water Quality Control Board
Santa Ana Region

April 18, 1997

ITEM: 23

SUBJECT: CONSIDERATION OF ADOPTION OF BASIN PLAN AMENDMENT RE
BACTERIAL OBJECTIVES FOR OCEAN WATERS - RESOLUTION
NO. 97- 20

DISCUSSION

On January 24, 1997, the Regional Board conducted a Basin Plan amendment workshop regarding the bacterial objectives which apply to the protection of the ocean waters of the Santa Ana Region. Both the State Water Resources Control Board's (SWRCB) Ocean Plan and the Santa Ana Region's Basin Plan prescribe bacterial objectives for ocean waters. The objectives in the two plans are inconsistent. The staff report prepared for the January 24, 1997 workshop described these inconsistencies and their genesis in detail. The staff report also identified several alternatives to address these differences, which currently confound the development of appropriate waste discharge requirements.

Based on the discussion at the January 24, 1997 workshop, the Board directed staff to prepare a Basin Plan amendment to delete from the Plan the bacterial objectives for ocean waters. Upon deletion of these objectives, the Board will rely on the objectives specified in the Ocean Plan, which is already incorporated in the Basin Plan by reference. As discussed in the January 24, 1997 staff report, the deletion of the Basin Plan objectives and reliance on the Ocean Plan would: (1) assure the protection of public health, water quality and beneficial uses; (2) assure the ongoing use of the best available scientific information concerning appropriate objectives; (3) assure statewide consistency; and, (4) provide for the prudent use of staff resources.

The proposed Basin Plan amendment is shown in the attachment to Resolution No. 97-20.

California Environmental Quality Act (CEQA) Requirements

The basin planning process has been certified by the Secretary of Resources as functionally equivalent to the preparation of an Environmental Impact Report or Negative Declaration pursuant to CEQA. Environmental review is nonetheless required. This review includes the preparation of a written report which describes the proposed basin planning activity, identifies the potential adverse environmental impacts of that activity, and discusses possible alternatives and mitigation measures. It also includes preparation of an Environmental Checklist. This report, the January 24, 1997

staff report, and the Environmental Checklist attached to this report satisfy these requirements.

As noted in the Checklist, staff found that there would be no significant adverse environmental impacts as the result of the proposed Basin Plan amendment. Particularly important, staff found that there would be no change in ocean water quality as a result of the amendment, since the Ocean Plan objectives (which are essentially equivalent to the Basin Plan objectives numerically) would continue to apply to the ocean waters of the Region. The proposed amendment therefore conforms with federal and state antidegradation requirements.

Specific public notice requirements pertaining to this Basin Plan amendment have been fulfilled. A Notice of Public Hearing and Notice of Filing were published in two newspapers of general circulation in Orange County at least 45 days prior to the hearing. These Notices were also submitted to the Secretary of Resources and the Orange County Clerk and mailed to all interested persons and agencies. A Notice of Decision will be filed after the Regional Board, the State Board and the Office of Administrative Law act on this matter.

RECOMMENDATION

Adopt Resolution No. 97-20, adopting the amendment to the Water Quality Control Plan (Basin Plan) shown in the attachment to the Resolution.

California Regional Water Quality Control Board
Santa Ana Region

RESOLUTION NO. 97- 20

Resolution Amending the Water Quality Control Plan
for the Santa Ana River Basin

WHEREAS, the California Regional Water Quality Control Board, Santa Ana Region (hereinafter Regional Board), finds that:

1. An updated Water Quality Control Plan for the Santa Ana River Basin (Basin Plan) was adopted by the Regional Board on March 11, 1994, approved by the State Water Resources Control Board (SWRCB) on July 21, 1994 and approved by the Office of Administrative Law on January 24, 1995.
2. For the protection of the ocean waters of the Santa Ana Region, the Basin Plan incorporates the SWRCB's California Ocean Plan by reference. The Ocean Plan establishes water quality objectives for California's coastal ocean waters and provides the basis for regulation of waste discharges to those waters. The Ocean Plan includes numeric bacterial quality objectives to protect water contact recreation and shellfish harvesting beneficial uses of ocean waters.
3. The Basin Plan also includes numeric bacterial objectives for the protection of water contact recreation and shellfish harvesting beneficial uses of ocean waters. The Basin Plan bacterial objectives are not consistent with those contained in the Ocean Plan.
4. Waste discharge requirements must implement relevant water quality control plans and policies. In the case of waste discharges to the ocean waters of the Santa Ana Region, these plans include the California Ocean Plan and the Basin Plan. The inconsistencies between the bacterial objectives specified in the two Plans confound the development of appropriate bacterial limitations in waste discharge requirements.
5. The bacterial objectives for ocean waters in the Basin Plan were adopted in the 1983 Basin Plan and carried over unchanged in the current 1995 Basin Plan. These objectives were based on the bacterial quality objectives in the 1978 Ocean Plan, which was in effect at the time the 1983 Basin Plan was adopted.
6. In adopting the bacterial objectives in 1983, the Regional Board did not intend to specify objectives more stringent than those in the Ocean Plan.
7. The specification of bacterial objectives for ocean waters in the Basin Plan impedes the application of new scientific information regarding appropriate

objectives which is considered by the SWRCB during the SWRCB's periodic review of the Ocean Plan.


8. It is appropriate to delete the numeric bacterial objectives for ocean waters from the Basin Plan and to rely on the objectives contained in the Ocean Plan. The deletion of the Basin Plan objectives and reliance on the Ocean Plan would: (1) eliminate the current inconsistencies between the two sets of objectives; (2) assure the protection of public health, water quality and beneficial uses; (3) assure statewide consistency; (4) assure the ongoing use of the best available scientific information; and, (5) provide for the prudent use of staff resources.
9. The Regional Board discussed this matter at a workshop conducted on January 24, 1997 after notice was given to all interested persons in accordance with Section 13244 of the California Water Code. Based on that discussion and the testimony received, the Board directed staff to prepare the appropriate Basin Plan amendment and related documentation to delete the Basin Plan bacterial objectives for ocean waters.
10. The Regional Board prepared and distributed written reports (staff reports) regarding adoption of the Basin Plan amendment in compliance with applicable state and federal environmental regulations (California Code of Regulations, Section 3775, Title 23, and 40 CFR Parts 25 and 131).
11. The process of basin planning has been certified by the Secretary for Resources as exempt from the requirement of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) to prepare an Environmental Impact Report or Negative Declaration. The Basin Plan amendment package includes an Environmental Checklist, an assessment of the environmental impacts of the Basin Plan amendment, and a discussion of alternatives. The amended Basin Plan, Environmental Checklist, staff reports, and supporting documentation are functionally equivalent to an Environmental Impact Report or Negative Declaration.
12. The Regional Board has considered federal and state antidegradation policies and other relevant water quality control policies and finds the Basin Plan amendment consistent with those policies.
13. On April 18, 1997, the Regional Board held a Public Hearing to consider the Basin Plan amendment. Notice of the Public Hearing was given to all interested persons and published in accordance with Water Code Section 13244.

14. The Basin Plan amendment must be submitted for review and approval by the SWRCB, the Office of Administrative Law (OAL), and the U.S. Environmental Protection Agency. Once approved by the SWRCB, the amendment is submitted to OAL. The Basin Plan amendment will become effective upon approval by the SWRCB and OAL. A Notice of Decision will be filed after the SWRCB and OAL have acted on this matter. The SWRCB will forward the approved amendment to the U.S. Environmental Protection Agency for review and approval.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Regional Board adopts the amendment to the Water Quality Control Plan for the Santa Ana River Basin (Region 8) as set forth in the attachment.
2. The Executive Officer is directed to forward copies of the Basin Plan amendment to the SWRCB in accordance with the requirement of Section 13245 of the California Water Code.
3. The Regional Board requests that the SWRCB approve the Basin Plan amendment in accordance with the requirements of Sections 13245 and 13246 of the California Water Code and forward it to the Office of Administrative Law for approval.

I, Gerard J. Thibeault, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, Santa Ana Region, on April 18, 1997.


Gerard J. Thibeault
Executive Officer

Attachment to Resolution No. 97-20

Amendment to the Santa Ana Region Basin Plan

CHAPTER 4 - WATER QUALITY OBJECTIVES, Page 4-1, second column, last paragraph, et seq.

(Language deleted is struck out)

OCEAN WATERS

Water quality objectives specified in the "Water Quality Control Plan for Ocean Waters of California" (Ocean Plan) and the "Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Waters and Enclosed Bays and Estuaries of California" (Thermal Plan) are incorporated into this Basin Plan by reference. The provisions of the Ocean Plan and Thermal Plan apply to the ocean waters within this Region. ~~Refer to the Ocean Plan for constituents not specifically noted here.~~

Bacteria, Coliform

~~Fecal bacteria are part of the intestinal flora of warm-blooded animals. Their presence in surface waters is an indicator of pollution. Total coliform is measured in terms of the number of coliform organisms per unit volume. Total coliform numbers can include non-fecal bacteria, so additional testing is often done to confirm the presence and numbers of fecal coliform bacteria. Water quality objectives for numbers of total and fecal coliform vary with the uses of the water, as shown below.~~

~~The following objectives apply to the ocean waters of the Region:~~

~~REC-1 Fecal coliform: log mean less than 200 organisms/100 mL based on five or more samples/30-day period, and not more than 10% of the samples exceed 400 organisms/100 mL for any 30-day period~~

~~SHEL Fecal coliform: median concentration not more than 14 MPN (most probable number)/100 mL and not more than 10% of samples exceed 43 MPN/100 mL~~

~~Additional details concerning these objectives are provided in the Ocean Plan (Chapter II, Sections A and B).~~

ENVIRONMENTAL CHECKLIST

I. BACKGROUND:

1. Name of Proponent:
California Regional Water Quality Control Board, Santa Ana Region.
2. Address and Phone Number of Proponent:
3737 Main St., Suite 500, Riverside CA 92501, (909)782-4130
3. Date Checklist Submitted: February 21, 1997
4. Agency Requiring Checklist: N/A
5. Name of Proposal, if applicable:
Basin Plan Amendment - Deletion of Bacterial Objectives for Ocean Waters

II. ENVIRONMENTAL IMPACTS

(All "yes" and "maybe" answers are explained on attached sheets.)

- | | <u>Yes</u> | <u>Maybe</u> | <u>No</u> |
|---|------------|--------------|-----------|
| 1. Earth. Will the proposal result in: | | | |
| a. Unstable earth conditions or changes in geologic substructures? | ___ | ___ | <u>X</u> |
| b. Disruptions, displacements, compaction or overcoming of the soil? | ___ | ___ | <u>X</u> |
| c. Change in topography or ground surface relief features? | ___ | ___ | <u>X</u> |
| d. The destruction, covering or modification of any unique geologic or physical features? | ___ | ___ | <u>X</u> |
| e. Any increase in wind or water erosion of soils, either on or off the site? | ___ | ___ | <u>X</u> |
| f. Changes in deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the channel of river or stream or the of the ocean or any bay, inlet or lake? | ___ | ___ | <u>X</u> |

- g. Exposure of people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards? X
2. Air. Will the proposal result in:
- a. Substantial air emissions or deterioration of ambient air quality? X
- b. The creation of objectionable odors? X
- c. Alteration of air movement, moisture, or temperature, or any change in climate either locally or regionally? X
3. Water. Will the proposal result in:
- a. Changes in current, or the course of direction of water movements, in either marine or fresh waters? X
- b. Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff? X
- c. Alterations to the course or flow of flood waters? X
- d. Change in the amount of surface water in any water body? X
- e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity? X
- f. Alteration of the direction or rate of flow of groundwater? X
- g. Change in the quantity of groundwaters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations? X
- h. Substantial reduction in the amount of water otherwise available for public water supplies? X

- i. Exposure of people or property to water related hazards such as flooding or tidal waves? X
4. **Plant Life.** Will the proposal result in:
- a. Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, and aquatic plants)? X
- b. Reduction of the numbers of any unique, rare or endangered species of plants? X
- c. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species? X
- d. Reduction in acreage of any agricultural crop? X
5. **Animal Life.** Will the proposal result in:
- a. Change in the diversity of species, or numbers of any species of animals (birds, land animals, including reptiles, fish and shellfish, benthic organisms or insects?) X
- b. Reduction of the numbers of any unique, rare or endangered species of animals? X
- c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals? X
- d. Deterioration to existing fish or wildlife habitat? X
6. **Noise.** Will the proposal result in:
- a. Increases in existing noise levels? X
- b. Exposure of people to severe noise levels? X
7. **Light and Glare.** Will the proposal produce new light or glare? X

8. **Land Use.** Will the proposal result in a substantial alteration of the present or planned land use of the area? X
9. **Natural Resources.** Will the proposal result in:
- a. Increase in the rate of use of any natural resources? X
- b. Substantial depletion of any non-renewable natural resources. X
10. **Risk of Upset.** Will the proposal involve:
- a. A risk of an explosion or the release of hazardous substances (including, but not limited to, oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions? X
- b. Possible interference with an emergency response plan or an emergency evaluation plan? X
11. **Population.** Will the proposal alter the location, distribution, density, or growth rate of the human population of an area? X
12. **Housing.** Will the proposal affect housing, or create a demand for additional housing? X
13. **Transportation/Circulation.** Will the proposal result in:
- a. Generation of substantial additional vehicular movement? X
- b. Effects on existing parking facilities, or demand on new parking? X
- c. Substantial impact upon existing transportation systems? X
- d. Alterations to prevent patterns of circulation or movement of people and/or goods? X

- e. Alterations to waterborne, rail or air traffic? X
- f. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians? X
14. **Public Services.** Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas:
- a. Fire Protection? X
- b. Police Protection? X
- c. Schools? X
- d. Parks or other recreational facilities? X
- e. Maintenance of public facilities, including roads? X
- f. Other governmental services? X
15. **Energy.** Will the proposal result in:
- a. Use of substantial amounts of fuel or energy? X
- b. Substantial increase in demand upon existing sources or energy, or require the development of new sources of energy? X
16. **Utilities.** Will the proposal result in a need for new systems, or substantial alterations to the following utilities?
- a. Power or Natural Gas? X
- b. Communications systems? X
- c. Water? X
- d. Sewer or septic tanks? X
- e. Storm water drainage? X
- f. Solid waste and disposal? X

17. **Human Health.** Will the proposal result in:

a. Creation of any health hazard or potential health hazard (excluding mental health)?

___ ___ X

b. Exposure of people to potential health hazards?

___ ___ X

18. **Aesthetics.** Will the proposal result in the obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view?

___ ___ X

19. **Recreation.** Will the proposal result in an impact upon the quality or quantity of existing recreational opportunities?

___ ___ X

20. **Cultural Resources.** Will the proposal result in:

a. The alteration of or the destruction of a prehistoric or historic archaeological site?

___ ___ X

b. Adverse physical or aesthetic effects to a prehistoric or historic building, structure, or object?

___ ___ X

c. The potential to cause a physical change which would effect unique ethnic cultural values?

___ ___ X

d. Restricting existing religious or sacred uses within the potential impact area?

___ ___ X

21. **Mandatory Findings of Significance.**

- a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habit of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? X
- b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future.) X
- c. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant.) X
- d. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? X

III. **Discussion of Environmental Evaluation**
(none)

IV. **Determination**
On the basis of this initial evaluation:

- X I find that the proposed project COULD NOT have a significant effect on the environment.
- I find that the proposed project MAY have a significant adverse impact on the environment; however, there are feasible alternatives and/or mitigation measures available which will substantially lessen any significant adverse impact. These alternatives and mitigation measures are discussed in the attached written report.
- I find the proposed project MAY have a significant effect on the environment. There are no feasible alternatives and/or feasible mitigation measures available which would substantially lessen any significant adverse impact. See the attached written report for a discussion of this determination.

2/27/97

